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December 11, 1936.

Mr. Joe Griffith,
Inheritance Tax Collector,
c/o State Treasurer,
State House,
Phoenix, Arizona.

Dear Mr. Griffith:

Re: Estate of Joseph Monihon, Deceased.

In reply to your letter of December 1, 1936, in regard to the Monihon case, we wish to advise that Section 3164, Revised Code of Arizona, 1928, controls the matters pertaining hereto. The following is a copy of this section of the law:

"If such tax is paid within one year from the accruing thereof, a discount of five per cent shall be deducted therefrom; if not paid within eighteen months from the accruing thereof, interest of ten per cent per annum shall be collected thereon from the time the tax accrued, unless by reason of claims made upon the estate, litigation or other unavoidable delay, such tax has not been determined, when interest of six per cent per annum shall be charged from the accrual of the tax until the cause of such delay is removed, after which ten per cent shall be charged. When a bond is given, interest shall be charged at the rate of six per cent from the accrual of the tax until the payment thereof."

You will note from the above code section, that it will be necessary to either charge the estate of Mr. Monihon with ten per cent or with six per cent. There is no alternative for a compromise.

In view of the fact that this estate has been tied up in litigation, it would seem just and fair to permit the estate to have the reduction in interest, as permitted in the said code section. Therefore, it is the opinion of

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this office that the Monihon estate should be charged with six per cent interest instead of the ten per cent interest, as set forth in Section 3164, supra.

Very truly yours,

JOHN L. SULLIVAN,
Attorney General.

RICHARD F. HARLESS,
Assistant Attorney
General.